IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11299 of 2004

Between:

K.Venkat Reddy S/o Venkatapathi Reddy
Proddutur, Kadapa District

..... PETITIONER

AND

Proddutur Municipality at Proddutur Kadapa District,
rep. through its Commissioner

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a WRIT OF MANDAMUS, or any other appropriate writ or writs, order or direction , declaring the action of the Respondent in seeking to demolish the property of the petitioner bearing H.No.13/559, Mydukur Road, Proddutur, Kadapa District, for the purpose of road widening, as otherwise than in due process of law, as illegal and arbitrary, by directing the Respondent not to demolish the same without initiating proceedings under Land Acquisition Act; Award costs.

For the Petitioner: MR.N.SRIDHAR REDDY, Advocate

For the Respondent: MR.K.M.MAHENDER REDDY, SC for Proddutur Municipality

The Court at the admission stage made the following :

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ORDER:

Heard the learned counsel for the petitioner and the leaned Standing Counsel for respondent-Municipality and with their consent, the writ petition itself is taken up for final disposal at the admission stage.

Assailing the action of the respondent in taking steps to demolish the property of the petitioner to an extent of 20 feet for the purpose of road widening, without giving any notice to him or without initiating acquisition proceedings therefor, the petitioner filed the present writ petition.

The petitioner claims to be one of the owners of the property bearing H.No.13/559, situated at Mydukur Road, Proddutur village of Kadapa District. It is alleged that the officials of the respondent came to the property on 28-6-2004 and marked 20 feet portion of the property for the purpose of demolition of structures therein in connection with widening of Mydukur Road. The petitioner complains that the said portion of the property is not acquired as per the provisions of Land Acquisition Act nor is there any notice issued indicating its acquisition. Questioning the impugned action of the respondent, the present writ petition is filed.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition in the following terms.

If award has already been passed acquiring the property in

question for the purpose of road widening, the respondent is at liberty to demolish the structures in the property and take possession thereof. If no acquisition proceedings in respect thereof are initiated in accordance with the procedure contemplated under law, the respondent shall not demolish the structures in the property, without acquiring the property under due process of law and without giving notice thereof to the petitioner. Till such acquisition of the property as per the procedure contemplated under law, status-quo existing as on today with respect to possession of the property shall be maintained by the parties. No costs.

N.V. RAMANA, J

Date: 05-07-2004

Svv

To

1. The Commissioner, Proddutur Municipality, Produttur, Kadapa District
2. Two CD copies.